

Washington County Land Use Authority Meeting December 11, 2012

The Washington County Land Use Authority Meeting was held Tuesday, December 11, 2012 in the Council Chambers of the Washington County Administration Building located at 197 E. Tabernacle, St. George, UT. The meeting was convened at 1:30 p.m. by Chairman Doug Wilson.

Commissioners present: Deborah Christopher, Dave Everett, Rick Jones, and Julie Cropper (alternate).

Excused: Mike Stucki, Kim Ford, and JoAnn Balen.

Staff present: Deon Goheen, Planning & Zoning Administrator; Eric Clarke, Deputy County Attorney; Doreen Bowers-Irons, Planning Secretary; Todd Edwards, County Engineer; Kim Hafen, County Clerk; Dean Cox, County Administrator.

Chairman Wilson welcomed and thanked everyone for attending. He asked that cell phones be turned off. He led the Pledge of Allegiance after which, he explained meeting protocol.

I. STAFF COMMENTS. Review staff comments for each item listed below; Staff initiated.

II. CONDITIONAL USE PERMIT EXTENSION. Review extension to locate four (4) wind towers on State Land within the OST-20 zone near Anderson Junction; Jerry Eves/Southwest Wind Energy, applicants.

The planner reported this is the second extension for a wind energy project located at Anderson Junction. At this point in time, no building permits have been issued. As previously reviewed, the four (4) towers will be located on SITLA and they have issued a letter stating they have accepted the application for processing, supporting their efforts, and asking for favorable consideration on the CUP. The commission reviewed the application, SITLA letter, public notice photo, waivers, noise analysis (preliminary), shadow flicker analysis, FAA letters, environmental studies, right-of-ways and visual impacts. The feasibility study was included as a part of the packet. The BLM permitting on airspace/encroachment (setbacks) was submitted and a part of the file and a petition submitted by the property owners at Anderson Junction who are in opposition to this project. It appears this process will take another 18 months before it can get underway.

Jerry Eves reported on the progress of the project noting it was approved 2 years ago. They have been working with PacifiCorp to connect into their grid in order to sell the power produced. However, the woman he was working with retired and someone else is now working with him. It will take another 18 months to process this interconnect agreement. He asked for a positive recommendation for the project. He explained the process with regards to wheeling through PacifiCorp.

Chairman Wilson asked if there were any changes to the project. Mr. Eves indicated there were none.

Motion: Commissioner Cropper **MOVED** to recommend the County Commission approve the Conditional Use Permit Extension to locate four (4) wind towers on State Land within the OST-20 zone near Anderson Junction; Jerry Eves/Southwest Wind Energy, applicants, for one (1) year. Commissioner Everett **SECONDED**. Chairman Wilson called for a discussion on the motion. There being none, the motion carried with all four (4) Commissioners voting in favor.

This will go before the County Commission on December 18, 2012.

III. CONDITIONAL USE PERMIT EXTENSION. Request permission for the "Zion's 50 and 100 Ultra Marathon" within the County unincorporated areas from Virgin on SR-9 to Gooseberry, looping around

from Virgin to Kolob Terrace Road through Smith's Mesa and ending at Virgin, a 100 mile run (36 hours) Friday, April 19, 2013; Matt Gunn, applicant.

The planner stated is an automatic annual review for a two (2) day event "Zion's 50 and 100 Ultra Marathon" sponsored by Matt Gunn and will be held on April 19, 2013. As previously reviewed, the run begins at Virgin Town Park covering 100 miles over Sheep Bridge Road, Gooseberry Mesa, Smithsonian Butte Road, Smiths Mesa Road and Kolob Terrace Road. There may be as many as 100 participating in this race. Yucca Portables will provide the 22 portable toilets to be located along the event route. Each of the 12 aid stations will be placed 7 - 9 miles apart and accessible by vehicle. Aid stations are equipped with food, water, first aid kits, blankets, camping chairs for runners, and garbage bags. Dixie Amateur Radio Club will communicate emergencies and supply needs to the aid stations. There is cell phone reception at the aid stations; also, a volunteer plan and a representative from the race committee. The liability insurance policy is in place, listing Washington County as a beneficiary. The applicant has been in touch with Chief Wright from Springdale and staff asked the applicant to confirm jurisdiction with Washington County Sheriff's Department making them aware of the event and working with the applicant on schedules. The applicant has indicated the route has changed and some of the County Roads have been eliminated from the course. They will be utilizing the tip of Gooseberry and the top north end of the Mesa. Mr. Gunn will update the commission on the event.

Danika Gunn representing the applicant reported on last year's race indicated it was a success. She stated the plan is the same as last years however in order to make access easier for volunteers and spectators the route was changed. She explained the new route and why the changes occurred.

Chairman Wilson commented on the new route and thought it would be better for safety reasons with less traffic.

The commission asked a few short questions for clarification purposes.

Motion: Commissioner Everett MOVED to recommend the County Commission approve the Conditional Use Permit Extension the "Zion's 50 and 100 Ultra Marathon" within the County unincorporated areas of the county from Virgin on SR-9 to Gooseberry, looping around from Virgin through Smith's Mesa and back to Virgin; Matt Gunn, applicant for one (1) year. Commissioner Cropper SECONDED. Chairman Wilson called for discussion on the motion. There was none and the motion carried with four (4) voting in favor.

This will go before the County Commission on December 18, 2012.

IV. CONDITIONAL USE PERMIT EXTENSION. Request permission for Rocky Mountain Power to install a proposed 60' lattice tower within the OSC-20 zone, BLM land on Little Creek Mountain, located west of Apple Valley, adjacent to other cell tower locations; Rocky Mountain Power/Holly Groth and Mark Cox, applicant.

The planner reported this is an automatic annual review on a new communication tower, which is conditionally approved within the OSC-20 zone. Previously, the applicant submitted a site location plan and a photo of the towers located near this site. The applicant addressed the requirements for collocation, explaining that their site is existing (approved June 12, 1989) and it would be too expensive to move their equipment; Homeland Security is one of the reasons for individual location; and it is more expensive for rate payers when collocating on someone else's tower. (County Code 10-21-2:B.) Accessory equipment shelters will be reviewed by the Building Department. This application also meets the requirement for a "lattice type" tower and there was no need to create a "fall" zone (County Code 10-21-4). This property is located a great distance from private property or developed areas, with the leased area being 93' x 111' and security fenced area being 56' x 62'. The footprint of the project has been completed and they are finishing up on the installation within the equipment storage areas. There should be no problem in recommending approval on a permanent basis.

Mark Cox representing Rocky Mountain Power reported on the progress made for the tower stating it was completed.

Motion: Commissioner Christopher MOVED to recommend the County Commission approve the Conditional Use Permit for Rocky Mountain Power to install a proposed 60' lattice tower within the OSC-20 zone, BLM land on Little Creek Mountain, located west of Apple Valley, adjacent to other cell tower locations; Rocky Mountain Power/Holly Groth and Mark Cox, applicants, on a permanent status. Commissioner Everett SECONDED. Chairman Wilson called for a discussion on the motion. There being none, the motion carried with all four (4) Commissioners voting in favor.

This will go before the County Commission on December 18, 2012.

V. CONDITIONAL USE PERMIT EXTENSION. Request permission for installation of the 345kV Transmission Project route through Washington County to Red Butte No. 2 and a staging area at the turnoff on Hwy 18 and Pinto; Rocky Mountain Power/Mark Cox, EC Source/David Simundson, applicants.

The planner reported the Record of Decision has been made on one of the three alternative routes to be used for the installation of the 345kV Transmission Project. (See route map included herein) The applicant has submitted a site plan (Option Two) for a lay-day-yard for the construction of the Rocky Mountain Power project to begin construction after the first of the year. The property owner Lloyd Graff and contractor David Simundson (EC Source Service) has signed the application and site plan. They will haul and store water for use in above ground holding tanks and the sewage disposal method will be portable and pumped tanks. The applicants are asking for up to 6 trailers to be located on the site but indicated they would only be placing three, with fencing and security on site. There may be lighting in each of the corners of the property. This will be a two year project.

Mark Cox representing Rocky Mountain Power stated the record of decision was signed last week by the BLM and Forest Service for the route for the 345 kV Transmission Line from Sigurd to Red Butte No. 2 through Washington County. He explained the preferred route that was chosen. They will be utilizing a storage area for the project located at the turnoff on Hwy. 18 and Pinto. He stated Mr. Simundson of EC Source will explain the site plan for the staging and storage area. Mr. Simundson and his company are requesting the conditional use permit as contractors for the project.

Mr. Cox and the commission discussed the route and the process that had taken place in determining the chosen route.

David Simundson representing EC Source explained how they would utilize the staging and storage area. They will be on 12.5 acres and will have three trailers on the property. They will be there for up to 6 months at a time and may need to leave due to habitat of the area but will return after a short time. They will be leasing the property for about 2 years. They will be using sweeper and water trucks to ensure dust and debris are not an issue.

The commission asked a few questions for clarification regarding the neighbors, port-a-potty or septic system, truck route and safety issues, fencing, and number of trailers on the property, which Mr. Simundson answered. He noted there would be no storage of fuels on this site. They have a very good safety plan in place and likes to keep everyone informed what is happening on the site. The neighbors have no issue with the project.

The commission questioned how the motion should be made whether it was part of the Transmission Line or as a separate item. The planner stated Rocky Mountain had already received their extension and the staging area should be a stand alone permit. A discussion occurred regarding the motion for the item whether it should be tabled, separated or the conditional use permit be modified, which the County Attorney suggested the motions be separated to ensure the staging area and transmission line has their own conditional use permit.

Motion: Commissioner Everett MOVED to separate item number five to approve the Conditional Use Permit Extension for the installation of the 345kV Transmission Line; Rocky Mountain Power/Mark Cox and the staging and storage area at the turnoff on Hwy. 18 and Pinto; EC Source/David Simundson, applicants for stand alone permits. Commissioner Jones SECONDED. Chairman Wilson called for a discussion on the motion. There being none, the motion carried with all four (4) Commissioners voting in favor.

Motion: Commissioner Everett MOVED to recommend the County Commission approve the Conditional Use Permit Extension for one (1) year for the installation of the 345kV Transmission Line from Sigurd to Red Butte No. 2; Rocky Mountain Power/Mark Cox, applicants. Commissioner Christopher SECONDED. Chairman Wilson called for a discussion on the motion. There being none, the motion carried with all four (4) Commissioners voting in favor.

The commission discussed and made findings of fact and conditions for approval as follows:

- The land owners, Lloyd and Curtis Graff are in a cooperative agreement with the applicant, EC Source, for the use of the land as a staging area.
- The project is allowed as a conditional use in the OST-20 zone.
- The project has been approved by other government entities.
- The neighbors are aware and have no issues with the project.
- The project is in harmony with the General Plan.

Conditions:

- Sanitation needs will be met.
- No fuel will be stored on site unless the applicant comes back in and amends the conditional use permit.
- Fencing and lighting will be in place.
- There will be no more than 6 trailers on site.

Motion: Commissioner Everett MOVED to recommend the County Commission approve the Conditional Use Permit Extension for the staging and storage area at the turnoff on Hwy. 18 and Pinto for the installation of the 345kV Transmission Line; EC Source Service/David Simundson, applicants for one (1) year with the following findings of facts and conditions:

- The land owners, Lloyd and Curtis Graff are in a cooperative agreement with the applicant, EC Source, for the use of the land as a staging area.
- The project is allowed as a conditional use in the OST-20 zone.
- The project has been approved by other government entities.
- The neighbors are aware of and have no issues with the project.
- The project is in harmony with the General Plan.

Conditions:

- Sanitation needs will be met.
- No fuel will be stored on site unless the applicant comes back in and amends the conditional use permit.
- Fencing and lighting will be in place.
- There will be no more than 6 trailers on site.

Commissioner Cropper SECONDED. Chairman Wilson called for a discussion on the motion. There being none, the motion carried with all four (4) Commissioners voting in favor.

This will go before the County Commission on December 18, 2012.

VI. CONDITONAL USE PERMIT. Request permission for a “Redrock Half Relay”, March 9, 2013, beginning at Worthen Park in St. George, from Sunset Blvd. to Hwy. 91 through Gunlock to Veyo along SR-18 and back to Worthen Park; Tim Collings, applicant.

The planner stated the applicant, Tim Collings, would like to offer another Red Rock Relay "Dixie" event to be held on March 9, 2013. This will be a 70 mile loop that will cover Veyo, Snow Canyon and Gunlock, plus the Virgin River trail. It is a one day relay for six person teams. Each team member does two legs of the run. The applicant will need an updated liability insurance policy in place, listing Washington County as a beneficiary. Meet applicable criteria from the events list on the web. The Washington County Sheriff's Department is aware of the event and working with the applicant on schedules and other communities involved. Mr. Collings will update the commission on this new event.

Tim Collings representing Red Rock Relay reported how the race will take place and the route that will be utilized. He explained why the event was initiated. The race will be ran the same as the Redrock Relay Zion's event but will be shorter in length.

Commissioner Everett suggested the applicant add the aid stations, exchange places, and other pertinent information on the route map. Mr. Collings stated they are in the planning stages still but will supply the county with the final map showing those suggested changes.

The commission discussed and made findings of fact and conditions for approval as follows:

- This race is keeping a trend within the county for tourism and economical advantages.
- The race promoters' have met the requirements of the special event check lists.

Motion: Commissioner Everett MOVED to recommend the County Commission approve the Conditional Use Permit for the "Redrock Half Relay" event to be held March 9, 2013 beginning at Worthen Park in St. George, from Sunset Blvd. to Hwy. 91 through Gunlock to Veyo along SR-18 and back to Worthen Park; Tim Collings, applicant for one (1) year based on the following findings of facts:

- This race is keeping a trend within the county for tourism and economical advantages.
- The race promoters' have met the requirements of the special event check lists.

Commissioner Christopher SECONDED. Chairman Wilson called for discussion on the motion. There was none and the motion carried with all four (4) voting in favor.

This will go before the County Commission on December 18, 2012.

VII. CONDITIONAL USE PERMIT. Request permission to construct a compressor station in Central, where Questar Gas is tied into the Kern River Pipeline system, within the OST-20 zone; applicant, Questar Gas/Tim Blackham, agent.

The planner stated Questar Gas Company has been looking to expand their utility station due to increased demand for natural gas in Washington County. They are proposing to construct a compressor station in Central, where Questar Gas is tied into the Kern River pipeline system at the end of Frontier Road. They have purchased the land from a local developer west of Dixie Deer Estates. The facility will be fenced for security purposes and the site plan allows for four parking spaces which will be adequate for maintenance needs. Mr. Blackham and an engineer are present to answer any questions the commission may have.

Tim Blackham representing Questar Gas reported the reason for the compressor station is to provide natural gas for the county and new customers who need their services. They need more pressure to distribute natural gas for more effective uses. He gave a short history on the station.

Commissioner Christopher asked when the station would be completed and how long it would be before a new station would need to be installed.

Denton Johnson, Questar Gas Engineer stated the project would be in place by November 2013 and should be good for 20 years. He explained how the compressor station runs and why the station was needed.

The commission and applicant discussed the project in detail including how the station works and other logistics to the station, the time frame, heights of tower and building, noise the compressor station will create, and demands for future use.

The commission discussed and made findings of fact and conditions for approval as follows:

- The use is allowed as a conditional use within the OST-20 zone.
- The applicant will design and construct the facility to be equal to or less than 55 decibels to the nearest existing residence.
- An emergency plan is in place.
- Allows for continuation of a necessary service for the county.
- The property is owned by Questar Gas and all right-of-ways are in place.
- The property will be fenced for safety.
- The tower and building will comply with County Code.

Motion: Commissioner Christopher MOVED to recommend the County Commission approve the Conditional Use Permit request to construct a compressor station in Central, where Questar is tied into the Kern River Project Pipeline system, within the OST-20 zone; applicants Questar Gas/Tim Blackham, agent, for one (1) year with the following findings of facts and conditions:

- The use is allowed as a conditional use within the OST-20 zone.
- The applicant will design and construct the facility to be equal to or less than 55 decibels to the nearest existing residence.
- An emergency plan is in place.
- Allows for continuation of a necessary service for the county.
- The property is owned by Questar Gas and all right-of-ways are in place.
- The property will be fenced for safety.
- The tower and building will comply with County Code.

Commissioner Everett SECONDED. Chairman Wilson called for a discussion on the motion. There being none, the motion carried with all four (4) Commissioners voting in favor.

VIII. CONDITIONAL USE PERMIT. Request permission for a moving permit for a manufactured home from Hurricane to Veyo for a 2nd dwelling for a family member within the A-10 zone. Kerry Lee, applicant.

The planner stated the applicant is requesting a moving permit for a manufactured home to be moved from Hurricane to Veyo. The building official has made an onsite inspection of the unit and indicates it should be moveable. The Planning Commission will need an act of this administratively, as per County Code 10-13-16: **MOVING DWELLINGS:** *Any dwelling proposed to be moved onto any parcel of land in the county shall meet the following requirements:*

A. All dwellings moved onto sites in the county shall first be granted a conditional use permit as required by chapter 18 of this title.

B. A dwelling proposed to be moved onto a site in the county shall be less than fifteen (15) years of age at the time of moving unless otherwise approved by the Planning Commission.

C. A manufactured home shall be identifiable by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying that the home was manufactured to HUD standards. (Ord. 2001-815-O, 12-17-2001, eff.12-17-2001)

D. A "stick built" home shall be inspected by the building inspector to determine that it is compliance with the current edition of the building code or that it is capable of being brought into compliance with said code. Inspection of the dwelling proposed for relocation shall be made prior to planning commission review,

and a report shall be submitted along with the application for a conditional use permit requesting the unit to be moved. (Ord. 2001-815-O, 12-17-2001, eff. 12-17-2001; amd. 2004 Code)

The planner reiterated the only thing the Commission is approving is the moving permit and not the manufactured home nor a second dwelling at this time. This is done at an administrative level and so approval stays with the planning commission and does not go before the County Council.

Kurt Gardner, building official, reported on his inspection of the structure and how the home would be moved.

The commission discussed moving the home and how it would be accomplished.

Alice Lee stated they are moving the home to place on their property for her daughter and grandchildren. She stated the company who will move the home will be a professional company. The permits will be attained and all issues will be addressed. Water, gas, and septic are available to the property. They are doing this to provide a home for her daughter and grandchildren to have a safe place to live. She explained the process they will be taking to have the home moved.

The commission discussed and made the following findings of fact and conditions:

- A licensed professional mover will be used and will meet all of the requirements of the State for moving a manufactured home.
- The applicant is aware of all conditions required and placed on the project by the building department including the roof loading or snow loading in moving the home from one location to the next.

Motion: Commissioner Cropper **MOVED** to approve the Conditional Use Permit request for a moving permit for a manufactured home from Hurricane to Veyo for a 2nd dwelling for a family member within the A-10 zone; Kerry Lee, applicants with the following findings of facts and conditions:

- A licensed professional mover will be used and will meet all of the requirements of the State for moving a manufactured home.
- The applicant is aware of all conditions required and placed on the project by the building department including the roof loading or snow loading in moving the home from one location to the next.
- The homeowner will be held liable for any damage that may occur along the highway with the moving of the home.
- The modular home is over 15 years old.
- The HUD sticker has been inspected and is in place.

Commissioner Christopher **SECONDED**. Chairman Wilson called for a discussion on the motion. The county attorney and planner stated additional findings should be in place regarding liability to the homeowner in the event something should happen on the highway along with the year and the HUD sticker. Commissioner Cropper **AMENDED** the motion to add the additional findings as recommended and Commissioner Christopher **SECONDED** the amendment. The motion carried with all four (4) Commissioners voting in favor.

IX. ORDINANCE AMENDMENT. Consider approval on amendment to the Washington County Subdivision Ordinance, Title 11, Chapter 4, 2:A.Description And Delineation: The final plat shall show: 9. Required utility and drainage easements along front property lines shall be a minimum of ten feet (10') and as needed. County initiated. (Tabled November 13, 2012)

The planner stated several years ago the staff felt it would be good to have a utility easement requirement on the frontage of each lot, instead of all property lines and utility or drainage easements may be reviewed as needed. The commission may recall you did not agree with the suggestion from the 15' frontage easement, so we have changed it back to 10' and as needed and added "to make the drainage or utilities function properly".

Staff will call for a construction drawing review on all subdivisions, so utilities will be reviewed by staff before signing off on the plat to ensure there will be enough space for lines to go around pedestals and hydrants in the easement. This has been properly advertised and if recommended for approval, this ordinance change will go before the County Commission on the 18th of December.

Staff and the commission had a short discussion on the ordinance changes changes.

The commission discussed and made the findings of fact and conditions as follows:

- This decreases the amount of easements required for new subdivisions.
- Allows for the maximum use of personal property while still ensuring that utilities can be installed to provide necessary services.

Motion: Commissioner Everett MOVED to recommend the County Commission approve the Ordinance Amendment to the Washington County Subdivision Ordinance, Title 11, Chapter 4, 2:A. Description and Delineation: The final plat shall show: 9. Required utility and drainage easements along front property lines shall be a minimum of ten feet (10') and as needed, based on the following findings of fact:

- This decreases the amount of easements required for new subdivisions.
- Allows for the maximum use of personal property while still ensuring that utilities can be installed to provide necessary services.

Commissioner Christopher SECONDED. Chairman Wilson called for a discussion on the motion. There being none, the motion carried with all four (4) Commissioners voting in favor.

X. ORDINANCE AMENDMENT. Consider an amendment to Title 10, Chapter 4, Definitions 1: Terms Defined: Kenneling; County initiated.

The Planner stated after the second review, it was decided by the planning commission to go with what St. George City was using for the kenneling and cattery definitions. Previously, staff determined it would be helpful to delete the kenneling definition and any reference to kenneling in the zones, where as Title 5, Law Enforcement and Animal Control in Chapter 3 addresses issues and is the enforcement arm. If there is a need for animals to be rescued or a commercial use, it can be reviewed conditionally. The planning commission felt strongly about leaving the definition in the ordinance, whereas it addressed numbers to regulate how many cats and dogs people can have. If recommended for approval, this will go before the County Commission on December 18, 2012.

Staff and the commission discussed the changes to the ordinance which included the numbers of previously allowed animals.

The commission reviewed the ordinance amendments. They then discussed and made the findings of facts as follows:

- These changes eliminate confusion and clarify the application of numerical limits on household pets.

Motion: Commissioner Christopher MOVED to recommend the County Commission approve an amendment to Title 10, Chapter 4, Definitions 1: Terms Defined: Kenneling; County initiated based on the following findings of fact:

- These changes eliminate confusion and clarify the application of numerical limits on household pets.

Commissioner Everett SECONDED. Chairman Wilson called for discussion on the motion. There was none and the motion carried with all four (4) voting in favor.

XI. PUBLIC HEARING. Open hearing for Washington County Zoning Ordinance amendments regarding Land Use Authority and Procedures on Appeals and Conditional Use Permits; County initiated. *(Tabled October 9, 2012)*

The planner stated the commission will need to open a public hearing as referenced by State Code, whereas amending the Washington County Zoning Ordinance requires a minimum ten days published notice and 24 hour posting of agenda before other public meeting. *This item is in conjunction with the item below.*

Motion: Commissioner Cropper **MOVED** to open the public hearing for the Washington County Land Use (Zoning) Ordinance amendments regarding Land Use Authority and Procedures on Appeals and Conditional Use Permits. Commissioner Christopher **SECONDED**. The motion passed with all four (4) voting in favor and the floor was open to the Public Hearing.

The planner reported this is a continuance of the public hearing from the October 9, 2012 meeting.

There were no public comments.

Motion: Commissioner Cropper **MOVED** to close the public hearing for the Washington County Land Use (Zoning) Ordinance amendments regarding Land Use Authority and Procedures on Appeals and Conditional Use Permits. Commissioner Christopher **SECONDED**. The motion passed with all four (4) voting in favor and the floor was closed to the Public Hearing.

XII. ORDINANCE AMENDMENT. Consider an amendment to Title 10, Chapter 2 and 18 regarding Land Use Authority and Procedures on Appeals and Conditional Use Permits; County initiated/Deputy Attorney Eric Clarke. *(Tabled October 9, 2012)*

The planner stated in recent review of the ordinances appeal process, there is some confusion, so staff is recommending a change to the Land Use Authority, which will make changes to the appeals process. Eric Clarke will explain those recommended changes. The planning commission may want to recommend approval as is; or review and vote for modifications; or table this item for further review. Findings need to be made for this amendment, as this is for clarification of the codes. If approved, this will go before the County Commission as a recommendation on the 18th of December.

Eric Clarke explained why they are moving forward with this amendment which resulted from the GEM Mining project. Currently, the ordinance is not absolutely clear on who is the Land Use Authority and where do appeals go. There is a little bit of ambiguity in it. He explained the proposed ordinance changes and how they would make the conditional use permit process and appeals smoother.

The commission and staff discussed the proposed ordinance amendments. It was also discussed to have Staff review and approve moving permits instead of coming before the commission. Mr. Clarke explained to the Commissioners their roles in making changes to ordinances informing them they have the authority to have staff review the moving permits.

The commission then discussed and made the findings of facts as follows:

- These changes will clarify which bodies act as the land use authority for different land use applications.
- This will clarify who the appellate authority is for land use decisions.

Motion: Commissioner Christopher **MOVED** to recommend the County Commission consider an amendment to Title 10, Chapter 2 and 18 regarding Land Use Authority and Procedures on Appeals and Conditional Use Permits and allow staff to review and issue moving permits; County initiated/Deputy Attorney Eric Clarke based on the following findings of facts:

- **These changes will clarify which bodies act as the land use authority for different land use applications.**
 - **This will clarify who the appellate authority is for land use decisions.**
- Commissioner Cropper SECONDED. Chairman Wilson called for discussion on the motion. There was none and the motion carried with all four (4) voting in favor.**

XIII. STAFF DECISIONS. Review of decisions from the Land Use Authority Staff Meeting held on December 04, 2012; County initiated.

The Planner reviewed the decisions of the Land Use Authority Staff Meeting held November 06, 2012 as reported below:

ACTIONS OF THE LAND USE AUTHORITY STAFF MEETING

December 04, 2012

The staff meeting convened at 9:30 a.m. Staff Members Preset: Deon Goheen, Planning & Zoning Administrator; Kurt Gardner, Building Official; Todd Edwards, County Engineer; Eric Clarke, Deputy Civil Attorney; Darwin Hall, Ash Creek Special Service District; Becky Marchal, Questar Preconstruction Specialist; Director Paul Wright, Department of Environmental Quality; Robert Beers, Southwest Utah Public Health Department; and Tina Esplin, Washington County Water Conservancy District.

Excused: Ron Whitehead, Public Works.

CONDITIONAL USE PERMIT EXTENSION:

- A.** Request permission for a Casita type living quarters within a main dwelling in Dixie Deer Estates - Phase 3, Lot 52 located in Central, Utah. Robert Tripp, applicant.

This is an automatic annual review, with the planner showing that permit #6113 was completed on December 21, 2011. Previously, the applicant has submitted application, with photographs for the construction started last year to complete the unfinished basement (lower level) for his mother. The home is located at 342 E. Foothill Cir in Central. The applicant submitted a floor plan for staff review and the home will not have staircase access to the lower level from within. The septic system installed for the main dwelling is adequate for the one (1) bedroom added in the accessory dwelling portion, as researched by the building official. This meets the criteria set forth for accessory dwelling units and the casita portion is less than 900 square feet. This is approved for family members only, with a deed restriction being signed and recorded against the property. **Staff agreed to approve this Conditional Use Permit granting permanent status.**

XIV. MINUTES. Consider approval of the minutes of the regular Planning Commission meeting held November 13, 2012.

The commission reviewed the minutes and made some corrections.

Motion: **Commissioner Everett MOVED to approve the Minutes of November 13, 2012 with the discussed changes. Commissioner Christopher SECONDED. Chairman Wilson called for discussion on the motion. There was none and the motion carried with all four (4) Commissioners voting in favor.**

XV. COUNTY COMMISSION ACTION REVIEW. Review of action taken by the County Commission on Planning Items; County initiated.

The planner reported on action taken on planning items by the Washington County Commission on December 4, 2012, beginning at 4:00 p.m.: (a) Conditional use for a "Sweetheart Half Marathon", February 9, 2013,

starting at Old Hwy 91 on the west side of Utah Hill on the Beaver Dam Slope and running to Ivins; Jeremy Frehner, applicant.

XVI. COMMISSION & STAFF REPORTS. General reporting on various topics; County initiated.

The planner stated the County Attorney would like to add to the agenda that the last 10 minutes of each meeting be used for education and training sessions as a part of Commission & Staff reports if time allows.

Eric Clarke informed the Commission that the Planner, Deon Goheen, will be retiring after 34 years effective January 15, 2012. The Commissioners congratulated her.

Motion was made by Commissioner Cropper to adjourn the meeting at 4:05 p.m.

Doreen Bowers-Irons
Planning Secretary

Approved: 08 January 2013